

23026 U.S. PTO  
012604

ATTORNEY DOCKET NO.:  
074078.0134

PATENT APPLICATION

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00727 U.S. PTO  
10/766244  
012604

TRANSMITTAL FOR U.S. PATENT APPLICATION  
UNDER 37 CFR §1.53(b)

**Mail Stop: Patent Application**  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Attorney Docket No.: 074078.0134  
Express Mail. No. EV 324628969 US

Sir:

Transmitted herewith for filing is the original patent application of:

Inventors: Yingxue Li, et al.

For: COMMUNICATING SIGNALS ACCORDING TO A QUALITY  
INDICATOR USING MULTIPLE ANTENNA ELEMENTS

**Pursuant to 37 C.F.R. § 1.213(a), Applicants respectfully request that the above-identified patent application not be published under 35 U.S.C. § 122(b). Applicants hereby certify that the invention disclosed in the above-identified application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.**

Enclosed are:

- (1) 41 pages of Specification, Claims and Abstract;
- (2) 5 pages of an executed Declaration and Power of Attorney;
- (3) 7 pages of Formal Drawings;
- (4) Assignment of the invention to Magnolia Broadband Inc. (4 pages);
- (5) Separate cover sheet in compliance with 37 C.F.R. § 3.28 and § 3.31 is included with an Assignment recordal fee of \$40.00 pursuant to 37 C.F.R. § 1.21(h) (2 pages);
- (6) 1 page of a Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i) Form;
- (7) Verified Statement (Declaration) Claiming Small Entity Status (1 page);
- (8) 1 page of a Certificate of Mailing by Express Mail No.: EV324628969US;
- (9) Baker Botts Return Receipt Postcard; and
- (10) 2 pages of this Transmittal Form with attached patent application filing fee in the amount of \$714.00.

Applicant is a \_\_\_\_\_ large X small entity.

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PATENT APPLICATION

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| FEE CALCULATION       |        |    |                 |          | FEE                    |
|-----------------------|--------|----|-----------------|----------|------------------------|
|                       | Number |    | Number<br>Extra | Rate     | Basic Fee<br>\$ 385.00 |
| Total Claims          | 47     | 20 | 27              | X \$9 =  | 243.00                 |
| Independent<br>Claims | 5      | 3  | 2               | X \$43 = | \$ 86.00               |
| TOTAL FILING FEE =    |        |    |                 |          | \$714.00               |

Enclosed is a check in the amount of \$714.00 for the filing fee. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

BAKER BOTTS L.L.P.  
Attorneys for Applicant



Keiko Ichiye  
Registration No. 45,460

Date: January 26, 2004

**CORRESPONDENCE ADDRESS:**

X  Customer Number

**05073**

|   |                      |  |
|---|----------------------|--|
| <b>NONPUBLICATION REQUEST<br/>UNDER<br/>35 U.S.C. 122(b)(2)(B)(i)</b> | First Named Inventor | Yingxue Li, et al.   |
|   | Title                | COMMUNICATING SIGNALS ACCORDING TO A<br>QUALITY INDICATOR USING MULTIPLE ANTENNA<br>ELEMENTS |
|   | Atty Docket Number   | 074078.0134  |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

BAKER BOTTS L.L.P.  
Attorneys for Applicants

January 26, 2004  
Date

  
Signature

Keiko Ichiye  
Typed or printed name  
Reg No. 45,460

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Attorney's Docket:  
074078.0134

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Yingxue Li, et al.  
Date Filed: January 26, 2004  
Title: COMMUNICATING SIGNALS ACCORDING TO A  
QUALITY INDICATOR USING MULTIPLE ANTENNA  
ELEMENTS

**MAIL STOP PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that the attached Patent Application (41 pages, including Specification, Claims, and Abstract), Declaration and Power of Attorney (5 pages), 7 sheets of Formal Drawings, Assignment (4 pages), Assignment Recordation Cover Sheet (2 pages), a check in the amount of \$40.00 to satisfy the recordal fee, Nonpublication Request (1 page), Verified Statement Claiming Small Entity Status (1 page), Transmittal Form (2 pages), a check in the amount of \$714.00 to cover the application filing fee, a Baker Botts return acknowledgment postcard, and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 26th day of January, 2004 and is addressed to Mail Stop Patent Application, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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Willie Jiles

Express Mail Receipt  
No. EV324628969US  
Attorney's Docket: 074078.0134